

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**TROY T. WILLIAMS,**

**PLAINTIFF,**

**V.**

**CAPITAL ONE BANK (USA),  
N.A., et al.**

**DEFENDANTS.**

**Case No.: 5:17-cv-01216-HNJ**

**DEFENDANT CAPITAL ONE BANK (USA), N.A.'S RESPONSE IN  
OPPOSITION TO MOTION**

Defendant Capital One Bank (USA), N.A. (Capital One) responds to pro se Plaintiff Troy Williams' Notice of Objection and Opposition to Defendant's Request for Extension of Time to File Responsive Pleading to Plaintiff's Complaint, stating as follows:

1. On August 15, 2017, Capital One filed a Motion seeking a 14-day extension of time to respond to Plaintiff's Complaint. Counsel explained that he had only recently been retained in the case and set forth what he believed was good cause for this Court to grant the Motion. (See Doc. 14.)

2. Rule 6 of the Federal Rules of Civil Procedure provides that "[w]hen an act may or must be done within a specified time, the court may, for good cause,

extend the time:" "with or without a motion or notice if the court acts, or if a request is made, before the original time or its extension expires." FED.R.CIV.P. 6 (emphasis added.) On August 15, 2017, this Court granted Capital One's Motion, thus finding good cause for the extension. (See Doc. 15.)

3. On August 16, 2017, Plaintiff filed a Notice of Objection and Opposition to Defendant's Request for Extension of Time to File Responsive Pleading to Plaintiff's Complaint, requesting that this Court reconsider its Order. (Doc. 16, ¶ 5.)

4. Plaintiff objects to extending the deadline to respond to his Complaint, characterizing Capital One's "cause towards Plaintiff as extremely prejudicial," adding that "Defendant's failure to act is causing Plaintiff to suffer harm," and that "Capital One's motion does not address, much less mitigate, the ongoing harm and prejudice to Plaintiff." (See Id.) Yet Plaintiff fails to explain what he means by the phrase "cause towards Plaintiff," or how a short 14-day extension of time to respond to the Complaint could cause him any harm or prejudice.

5. Plaintiff also references a Consumer Financial Protection Bureau (CFPB) complaint he filed against Capital One, and the date Capital One was served with the Complaint. (See Doc. 16.) Yet Plaintiff does not dispute counsel was only recently retained to defend Capital One, or that, when the Motion was

filed, counsel needed additional time to investigate and prepare an appropriate response to his 37-page, 129 paragraph, five count Complaint.<sup>1</sup>

6. As this Court recently noted, extending Capital One's deadline to respond to the Complaint was "the attempt of a judge, within the discretion afforded a district court, to manage litigation and promote a decision on the merits rather than on purely procedural grounds." (Doc. 32.) Nothing this Court did when extending the deadline for Capital One to respond to the Complaint was improper. Plaintiff's Motion should be denied.

Dated: August 29, 2017

Respectfully Submitted,

/s/ Joshua H. Threadcraft

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*Attorney for Defendant Capital One Bank  
(USA), N.A.*

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<sup>1</sup> Due to an unintentional scrivener's error Capital One stated Plaintiff's Complaint was 159, not 129 paragraphs.

**CERTIFICATE OF SERVICE**

I do hereby certify that on this the 29th day of August, 2017, I caused a copy of the foregoing to be electronically filed with the Clerk of Court using the cm/ecf system, which will provide electronic notice of the filing to the following:

Kirkland E Reid  
JONES WALKER LLP  
11 N. Water Street  
Suite 1200  
Mobile, AL 36602

And that I also caused a copy of the foregoing was mailed to the following via first-class, United States mail, postage prepaid:

Troy T. Williams  
P.O. Box 464  
Harvest, Alabama 35749

s/ Joshua H. Threadcraft  
OF COUNSEL